

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Georgia Ruth Willis,)	Civil Action No.: 6:10-697-RBH-BHH
)	
Plaintiff,)	
)	
vs.)	<u>REPORT AND RECOMMENDATION</u>
)	<u>OF MAGISTRATE JUDGE</u>
Greenville County Disabilities and)	
Special Needs Board, Greenville)	
County DSNB,)	
)	
Defendant.)	

The plaintiff is proceeding in this action *pro se*. On May 21, 2010, an Order [Doc. 17] was issued by the Honorable R. Bryan Harwell adopting this Court's recommendation that defendant's motion to dismiss be denied and that the plaintiff be permitted an opportunity to cure any deficiency in the pleading by amending her complaint. Under Federal Rule of Civil Procedure 12(b)(6), a *pro se* plaintiff "with an arguable claim is ordinarily accorded notice of a pending motion to dismiss for failure to state a claim and an opportunity to amend the complaint before the motion is ruled upon." *Neitzke v. Williams*, 490 U.S. 319, 328 (1989). The plaintiff was given fifteen (15) days from the date of that Order to amend her complaint, making her Amended Complaint due on June 8, 2010.

An Amended Complaint was not filed by the plaintiff, and as the plaintiff is proceeding *pro se*, the Court filed a second order on June 17, 2010, giving the plaintiff through July 12, 2010, to file her Amended Complaint. The plaintiff was specifically advised that if she failed to respond, this action would be dismissed for failure to prosecute. The plaintiff did not respond, ask for an extension, or file an Amended Complaint.

Based on the foregoing, it appears the plaintiff no longer wishes to pursue this

action. Accordingly, it is recommended that this action be dismissed *with prejudice* for lack of prosecution and for failure to comply with this Court's orders, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure and the factors outlined in *Chandler Leasing Corp. v. Lopez*, 669 F.2d 919, 920 (4th Cir.1982). See *Ballard v. Carlson*, 882 F.2d 93 (4th Cir. 1989).

s/Bruce H. Hendricks
United States Magistrate Judge

July 20, 2010

Greenville, South Carolina